

EXHIBIT 76

SECOND MAO DECLARATION PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

CONFIDENTIAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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ANIBAL RODRIGUEZ, et al.)
individually and on behalf)
of all other similarly)
situated,)

Plaintiffs,) Case No.

) 3:20-CV-04688

vs.)

GOOGLE LLC, et al.,)

Defendant.)

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Videotaped Zoom Deposition of
JULIAN SANTIAGO
Monday, March 7, 2022

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Katy E. Schmidt
RPR, RMR, CRR, CSR 13096
Veritext Job No.: 5106972

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1 MR. LEE: Yeah. Let's go -- we want to 04:42
2 stretch our legs, I think. 04:42
3 MS. ARAKAKI: Okay. Sure. 04:42
4 MR. LEE: Ten minutes? 04:42
5 MS. ARAKAKI: Okay. 04:42
6 THE VIDEOGRAPHER: Going off the record. The 04:42
7 time is 7:42 p.m. 04:42
8 (Break taken in proceedings.) 04:42
9 THE VIDEOGRAPHER: Back on the record. The 04:56
10 time is 7:56 p.m. 04:56
11 MR. LEE: And, Lori, I'm not trying to rush 04:56
12 you. Just so we can make food arrangements, do you have 04:56
13 a general ballpark? Because that might affect when we 04:56
14 order food. 04:56
15 MS. ARAKAKI: Sure. Yeah. I mean, I think -- 04:56
16 I'm hopeful we can finish before another -- another 04:56
17 break but -- 04:56
18 MR. LEE: In that case we'll wait. 04:56
19 MS. ARAKAKI: -- I'm not -- 04:56
20 MR. LEE: You're not committing to it, I get 04:56
21 it. 04:56
22 MS. ARAKAKI: Yeah. I'm not committing to it. 04:56
23 MR. LEE: I get it. I can only ask for your 04:56
24 best guess. I totally get it. 04:56
25 MS. ARAKAKI: I'm hopeful. I'm sure we all 04:56

1 are. 04:56

2 BY MS. ARAKAKI: 04:56

3 Q. Okay. Mr. Santiago, I just want to shift 04:56

4 gears a little bit from what we were talking about 04:57

5 before the break. 04:57

6 So in this particular case, I want to talk 04:57

7 about your harm in this case. 04:57

8 Do you believe you suffered any harm as a 04:57

9 result of Google's alleged invasion of privacy? 04:57

10 A. I believe I do -- I have, yes. Yeah. 04:57

11 Q. What harm? 04:57

12 A. Well, you already touched upon it, a huge 04:57

13 invasion of my privacy. Information that I thought was 04:57

14 personal to me or I expected to be personal to me that I 04:57

15 value, to be accessed by Google without my permission. 04:57

16 My information has value, and, you know, I could have 04:57

17 been profiting off my information if I chose to do so. 04:57

18 Google is profiting off my information without 04:57

19 my permission. 04:58

20 So the invasion of privacy and the value of my 04:58

21 information, those are two huge ones. 04:58

22 I'm sure there's cost associated with 04:58

23 background applications, tracking, and sending 04:58

24 information to Google from my phone and my computer, 04:58

25 additional energy costs that that cost me. Even an 04:58

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1 iPhone, you know, having more information stored or 04:58
2 background applications running without my consent that 04:58
3 run down my phone quicker that require me to get a new 04:58
4 phone sooner than I would have had to had my information 04:58
5 not been tracked in the background. 04:58

6 So I think there's multiple things here that 04:58
7 have been affected. 04:59

8 Q. Yeah. Okay. So that was a helpful long 04:59
9 explanation and I heard about five different things 04:59
10 there. So I just want to go through each of those 04:59
11 pieces one at a time. 04:59

12 So one of the things you said was the value 04:59
13 of your data to you; right? 04:59

14 A. Yes. 04:59

15 Q. And you said it's because you could have sold 04:59
16 that data if you wanted to; right? 04:59

17 A. If I chose to, I could have done certain 04:59
18 things with that data that I could have personally 04:59
19 profited off. Instead Google is profiting off of that 04:59
20 without my permission. 04:59

21 Q. Okay. So you say done certain things with 04:59
22 your data that you could have profited off of it. 04:59

23 Are you thinking of anything else besides 04:59
24 selling the data? 04:59

25 A. I think selling being the main one. 05:00

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1 Q. Okay. As you sit here today, are you thinking 05:00
2 of anything else besides selling? 05:00

3 MR. LEE: You mean on this first category, 05:00
4 right, that we're talking about, Lori? 05:00

5 MS. ARAKAKI: Yes. With respect to profiting 05:00
6 off of the data. 05:00

7 BY MS. ARAKAKI: 05:00

8 Q. I think you said, Mr. Santiago, that you could 05:00
9 have profited off the data. And you said one of the 05:00
10 ways or the main way was selling. 05:00

11 And I'm trying to understand if you were 05:00
12 thinking of something else when you used the phrase you 05:00
13 could have profited off of your data. 05:00

14 A. That's the first thing that comes to mind. 05:00

15 Q. So no other ways that you're thinking of 05:00
16 specifically at this point? 05:00

17 A. At this moment, no. 05:00

18 Q. So selling your data, do you ever try to do 05:00
19 that? 05:01

20 A. No. I clearly value my privacy and I value 05:01
21 my data and information being private at this moment in 05:01
22 time and in the past. 05:01

23 If that's something -- selling my data, I 05:01
24 mean, if that's something that I decide later on in the 05:01
25 future might be something that I want to do, that would 05:01

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1 responses that list all of the apps that use 07:05
2 Google Analytics for Firebase? 07:05
3 MR. LEE: That's privileged. 07:05
4 BY MS. ARAKAKI: 07:05
5 Q. Have you seen any documents in this case 07:05
6 Google -- any of Google's discovery responses? 07:05
7 MR. LEE: You can answer that. 07:05
8 THE WITNESS: I've seen my discovery 07:05
9 responses. 07:05
10 BY MS. ARAKAKI: 07:05
11 Q. Have you seen any of Google's? 07:05
12 A. I've had conversations with my lawyers. 07:05
13 Q. I'm just wondering whether you've seen a 07:05
14 written discovery response on Google's behalf that's 07:05
15 similar to the ones you've done but it's on -- from 07:05
16 Google rather than from the plaintiff. 07:05
17 Have you seen any? 07:05
18 MR. LEE: Right. She's just asking if you've 07:05
19 laid your eyes on the actual documents, not discussions 07:05
20 you've had about them with counsel. 07:06
21 THE WITNESS: I don't believe I have. 07:06
22 BY MS. ARAKAKI: 07:06
23 Q. So if you knew which of Google's apps -- or 07:06
24 which of the third-party apps that are on your phone use 07:06
25 Google Analytics for Firebase, do you think there's 07:06

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1 anything else about the app that you need to find out by 07:06
2 continuing to use them? 07:06
3 MR. LEE: Objection. Vague. 07:06
4 MS. ARAKAKI: I'll rephrase. 07:06
5 BY MS. ARAKAKI: 07:06
6 Q. You said you're continuing to use the apps and 07:06
7 you remained consistent because you want to find out 07:06
8 about what Google is doing wrong; right? 07:06
9 A. Yes. 07:06
10 Q. What about what Google is doing are you trying 07:06
11 to find out? 07:06
12 MR. LEE: Asked and answered. 07:06
13 BY MS. ARAKAKI: 07:06
14 Q. You can answer. 07:06
15 A. I believe I've answered that multiple times. 07:07
16 Q. So earlier you said, and the only thing I've 07:07
17 heard so far, is the reason you continue to use 07:07
18 third-party apps after finding out about Google's 07:07
19 alleged conduct, was to investigate for this lawsuit 07:07
20 which apps are using -- are collecting data; right? 07:07
21 MR. LEE: That's not what he said. 07:07
22 BY MS. ARAKAKI: 07:07
23 Q. You can -- Mr. Santiago, if that's different 07:07
24 from your recollection, feel free to explain. 07:07
25 A. Can you ask that again? Because it doesn't 07:07

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1 sound like something I said. 07:07

2 Q. My understanding of what you said is that you 07:07

3 continue to use third-party apps even after learning 07:07

4 that Google allegedly obtained that interaction data 07:07

5 because you wanted to find out or investigate for this 07:08

6 lawsuit how Google is getting your app interaction data; 07:08

7 right? 07:08

8 MR. LEE: Mischaracterizes to the extent 07:08

9 that's an exclusive statement. He said much more. It's 07:08

10 in the record. 07:08

11 BY MS. ARAKAKI: 07:08

12 Q. You may answer. 07:08

13 A. I said much more than that. 07:08

14 Q. Mr. Santiago, I'm just trying to figure out 07:08

15 what you're trying to find out from Google in the -- 07:08

16 A. I'm trying to -- sorry to interrupt. Go on. 07:08

17 Q. Because you said that you are continuing to 07:08

18 use these apps. 07:08

19 I'm trying to figure out why you're continuing 07:08

20 to use the apps. 07:08

21 Can you explain that to me in your words? 07:08

22 A. I've explained that on multiple occasions and 07:08

23 the various number of reasons why -- what I'm trying to 07:08

24 figure out is why Google is continuing to track and 07:08

25 store the information of consumers who have chosen and 07:09

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